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LEGISLATIVE SUPPLEMENT

	Contents	*Pages*
Part - I	**Acts**	
	Nil	
Part - II	**Ordinances**	
	Nil	
Part - III	**Delegated Legislation**	
	Nil	
Part - IV	**Correction Slips, Republications and Replacements**	
	Correction Slip No. 198 Rules/II.D4, dated 08.10.2025, substituting Rule 1 and Rule 5 of Part-B of Chapter 12 of Punjab and Haryana High Court, Rules and Orders, Volume-IV.	.. 7-12

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CORRECTION SLIP

The 8th October, 2025

No.198 Rules/II.D4.-

I. The existing Rule 1 and Rule 5 of Part-B of Chapter 12 of Punjab and Haryana High Court Rules and Orders, Volume-IV are substituted by the following Rule 1 and 5:

"Rule 1. Section 139 and Order XIX of the Code of Civil Procedure, Section 333 of The Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 3(2) of the Oaths Act, 1969 contain the provisions on the subject of affidavits."

"Rule 5.

(i) Appointment of Oath Commissioners- The High Court shall appoint Oath Commissioners for the purpose of administering oaths and affirmations under the provisions mentioned in Rule 1 above, at the headquarters of each district and sub-division/tehsil/sub-tehsil of a District as well as for the High Court premises.

(ii) Term of Oath Commissioner- An Oath Commissioner shall hold office for a term of two years from the date of his/her appointment or until the date on which he/she completes five years of practice at the Bar, whichever is earlier.

In special category of cases the Oath Commissioner shall hold office for the period as indicated in the notification of appointment.

(iii)(a) Eligibility for appointment of Oath Commissioner- No person shall be eligible for appointment as Oath Commissioner unless-

(1) he/she has for at least two years but not exceeding five years been an Advocate of the High Court of Punjab and Haryana or a Court subordinate thereto;

(2) he/she is below the age of thirty five years; and

(3) his/her gross annual income from all sources does not exceed ₹ 2, 50,000/-;

(b) Appointment of Oath Commissioner in special category cases- Appointment or extension as Oath Commissioner may be made or given, as the case may be, by relaxation of the rules under sub-clause (1) and (2) of clause (a) of sub-rule (iii) of this rule in the following

special category of cases for the terms indicated therein, provided the gross annual income of such person from all sources does not exceed ₹ 3,00,000/-:-

1) Advocate suffering from permanent disability between 50 to 70%, for maximum four terms of two years each.

2) Advocate suffering from permanent disability of more than 70%, for maximum six terms of two years each.

3) Advocate of *60 years of age or more (Senior Citizen),* for maximum three terms of two years each.

4) *Deserted/widowed/divorcee/unmarried woman Advocate,* for maximum three terms of two years each.

(iv) Procedure for appointment of Oath Commissioner-

(a) An eligible advocate may submit his/her application in the prescribed Form III for appointment as Oath Commissioner to the District & Sessions Judge concerned or to the President of High Court Bar Association in the case of those seeking appointment for the High Court premises.

(b) Along with the application for appointment/extension, the applicant shall submit copy of document in support of date of birth, copy of certificate of practice issued by the Bar Council of India or Enrolment Certificate issued by Bar Council of Punjab and Haryana after the passing of All India Bar Examination, and proof/affidavit in support of annual income. In special category of cases, the applicant shall also submit an affidavit and the requisite document(s) in support of application.

(c) The application for extension shall be submitted at least four months before the expiry of the term of the applicant as Oath Commissioner.

(d) The District & Sessions Judge shall forward the application(s) collectively to the High Court in the first week of January, May and September every year with recommendation in respect of suitability of each candidate and the requirement in number keeping in view the existing strength at the headquarter of the district and sub-division/tehsil/sub-tehsil of the district.

(e) The President of High Court Bar Association shall forward the application(s) collectively to the High Court in the first week of January, May and September every year. While forwarding the

applications, the President of High Court Bar Association shall comment upon the suitability of the applicant(s).

(f) The application for extension of term as Oath Commissioner shall be forwarded without any delay.

(g) The application for appointment as Oath Commissioner may be accepted, if the High Court is satisfied about the suitability and the requirement.

(h) In case the application is not accepted/declined within the period of one year of its submission with the District & Sessions Judge/President Bar Association of High Court, the applicant will have to submit a fresh application.

(v) Undertaking to be given by the Oath Commissioner-On being appointed, Oath Commissioner shall furnish an undertaking in the shape of affidavit, before the District & Sessions Judge or the Registrar (Rules) as the case may be, to deposit the amount of penalty, if any, imposed upon him/her by the High Court.

(vi) Powers of Oath Commissioner- An Oath Commissioner shall have the power to attest only the affidavits under the Code of Civil Procedure, 1908 or Section 333 of 'The Bharatiya Nagarik Suraksha Sanhita, 2023, to be used in Courts by administering oaths and affirmations. The Oath Commissioner shall not be competent to attest the copies of the documents to be correct as per original documents.

(vii) Register of affidavits- The Oath Commissioner shall maintain a register in the following prescribed form in which every application to have an affidavit attested and every affidavit verified shall be entered. The register of affidavits of the Oath Commissioner at the district/High Court premises should be duly page-marked having a certificate on the opening sheet under the signatures of the District & Sessions Judge/Registrar (Rules) or an officer nominated by the District & Sessions Judge/Registrar (Rules) as the case may be, for certifying the correctness of the register as per the prescribed form and the total number of pages therein.

Form of Register

Register of affidavits attested in the _____ Court of
The _____ in the _____District

1	2	3	4	5	6	7	8	9	10	11	12
Serial no.	Date of, application of tendering affidavit	Name and address of the person tendering an application (if any) or affidavit	Nature of affidavit briefly stated: if the affidavit relates to a cause in Court, the cause should be specified	Detail of exhibit if any attached to affidavit	Civil Court, Magistrate or other officer empowered in that behalf administering, the oath or affirmation	Date of administering oath or affirmation	Name and address of witness identifying the Deponent if officer administering oath and his signature or thumb impression does not know him	Signature or thumb-impression of the deponent	Name of the Court or Officer in which the affidavit is intended to be filed	Signature and designation of Civil Court, Magistrate or other officer	Fee charged

(viii) Remuneration of Oath Commissioners- The Oath Commissioner may charge a remuneration of twenty five rupees for each affidavit. An additional fee upto one hundred rupees may be charged, when the Oath Commissioner is required to attend the deponent's residence/place. A written printed receipt in the format prescribed hereinafter shall be issued by the Oath Commissioner to the deponent by retaining its carbon copy. The Oath Commissioner shall also obtain the signature/thumb impression of the deponent on the reverse side of the carbon copy of the receipt.

Receipt

(Name of the Oath Commissioner)
Serial No. _____ Dated: _____
Received ₹ _____as attestation charges
from _____ for affidavit
bearing no. _____ in the register.
Signature

(ix) **Seal of Oath Commissioner-** Every Oath Commissioner shall use a plain circular seal bearing in bold letters his name and the name of area within which he has been appointed to exercise his functions as Oath Commissioner.

(x) **Display of Name and attestation charges-** The Oath Commissioner shall display in bold letters his/her name-plate with rate of attestation on his/her seat.

(xi) **Inspection of Record of Oath Commissioner-**

(a) The office of District & Sessions Judge shall maintain a Register depicting the name(s) of Oath Commissioner within the District alongwith period of appointment. In case of Oath Commissioners working in the High Court such Register shall be maintained in the office of Registrar (Rules).

(b) An Oath Commissioner shall produce for inspection the Register, Receipts and Rubber Stamps for inspection before the District & Sessions Judge or an Officer nominated by District & Sessions Judge for this purpose in the first fortnight of January, April, July and October every year. In case of Oath Commissioners working in the High Court, such record shall be produced for inspection before the Registrar (Rules) or an officer nominated by the Registrar (Rules) for this purpose.

(c) In case minor shortcomings are detected by the Inspecting Officer, an advisory in writing will be issued to the Oath Commissioner by the District & Sessions Judge or the Registrar (Rules) at his own level and no inspection report is required to be furnished in this regard.

(d) In case an Oath Commissioner fails to submit the Record for inspection within the stipulated period or major shortcomings are detected by the Inspecting Officer or there is repetition of minor shortcoming(s) after the issuance of advisory, the report shall be sent to this Court.

(xii) Curtailment of term of Oath Commissioner-

(a) On receipt of report under sub-rule (xi) *ibid* or otherwise the term of Oath Commissioner may be curtailed by the High Court, if it thinks fit to do so. In addition to curtailment of term, penalty equivalent to double of the amount of total attestation charges received during his/her term as the Oath Commissioner, may also be imposed by the

High Court. The misconduct by an Oath Commissioner may also be brought to the notice of Bar Council of India/Bar Council of Punjab and Haryana for appropriate action as per The Advocates Act, 1961.

(b) In case any advocate fails to commence his work as Oath Commissioner within one month from the date of notification or within such time as extended by the High Court it will be presumed that he/she is not interested to work as Oath Commissioner and his/her term shall be deemed to be curtailed without issuing any notice.

(xiii) Deposit of Record-On completion of the term of an Oath Commissioner, the registers, receipt books containing unused receipts and carbon-copies of used receipts and the seals shall be deposited by him/her with the District & Sessions Judge concerned or the Registrar (Rules) as the case may be. In case of completion of register during the term of an Oath Commissioner the new register shall be started only after deposit of previously maintained register, with the District & Sessions Judge or Registrar (Rules) as the case may be. The record shall be kept in the office of District & Sessions Judge/Registrar (Rules) as the case may be and preserved for five years and weeded out thereafter while retaining the same in soft format (scanned copy), unless it is required in proceedings before any authority or in connection with the investigation, inquiry or trial of a case.

(xiv) Power to relax the rules- Hon'ble the Chief Justice may relax any of the rules keeping in view the extreme exigency or hardship on case to case basis."

II. The existing Rule 7 of Part-B of Chapter 12 of Punjab and Haryana High Court Rules and Orders, Volume-IV is omitted.

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES

Sd/-
SMRITI DHIR,
Registrar (Rules)
for Registrar General.

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